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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,594	12/22/2000	Anthony M. Gambaro	659/620	4494

757 7590 07/08/2003

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EXAMINER
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FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/08/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

# Office Action Summary

Application No.

09/747,594

Applicant(s)

GAMBARO ET AL.

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 18-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 31-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Bush, Jr. et al.

Bush discloses the method of cutting a plurality of substrates comprising the step of: placing a log of substrate on a conveyor, the log having a length and a width (Fig. 2); advancing the conveyor; discharging the log from the conveyor onto a transfer plate (Fig. 7); placing the log into a pocket on a cutting support (Fig. 1); rotating the pocket containing the log toward a plurality of circular cutting blades; rotating the pocket containing the log through the circular cutting blades; rotating the pocket containing the log away from the circular cutting blades; and discharging the rolls from the pocket.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-17 and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perini (4, 329, 895) in view of Rood and Gingras et al.

Perini discloses the method of cutting a plurality of moist substrates comprising the step of: placing the log from a transfer plate 1 into a pocket on a cutting support (Fig. 2); advancing the pocket containing the log toward a plurality of cutting blades (Fig. 1 and 3); advancing the pocket containing the rolls away from the cutting blades (Fig. 3); metering the rate at the log is discharged; discharging the rolls from the pocket; and honing the cutting blades while in the position (col. 3, line 33-36). Perini doesn't show the method of placing a log of moist substrate on a conveyor with moisture content of at least about 50% or 65%, advancing the conveyor and discharging the log from the conveyor onto the transfer plate. However, Rood teaches the method of placing a log on a conveyor (Fig. 1), advancing the conveyor and discharging the log from the conveyor onto a transfer plate 20 for the purpose of orienting the product which does not require human assistance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini's device by providing the method of placing a log on a conveyor, advancing the conveyor and discharging the log from the conveyor onto a transfer plate as taught by Rood in order to orienting the product which does not require human assistance.

Regarding the web with moisture content of least about 50% and 65%, Gingras teaches the use of a web with moisture content of at least about 50% and 65% for the for the purpose of uniformly distributing the wetting solution throughout the roll. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini's

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device by providing the web with moisture content of at least about 50% and 65% as taught by Gingras in order to uniformly distributing the wetting solution throughout the roll.

Regarding claims 2-3, 5, 11-12, 15-16, 32-33, 36 and 37, the modified invention of Perini discloses the invention substantially as claimed except for a log of at least 2540 mm long and a diameter from 50 mm to 250mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini's device, we do not feel that this limitation is patentably significant since it at most relates to the size of the article under consideration which is not ordinary as matter of invention. In re Yount, 36C.C.P.A.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-17 and 31-39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9302 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ofs  
June 30, 2003

  
Allan M. Shoap  
Supervisory Patent Examiner  
Group 3700